

REMARKS

Claims 1-12 were pending and claims 1-12 were rejected by the Examiner. Claims 1-12 have been canceled and new claims 13-44 have been added. Care has been exercised to avoid the introduction of new matter. Indeed, adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure (including page 12, line 20 through page 14, line 10) and originally filed claims. Applicants submit that the present Amendment does not generate any new matter issue.

The Examiner objected to the amendment submitted October 21, 2003 under 35 U.S.C. § 132 because it allegedly introduced new matter. The Examiner asserted that no factual support has been provided to support the position that the terms "cobal" and "cobar" are equivalent. Applicants respectfully traverse.

Applicants have amended the specification to replace the terms "cobal" and "cobar" and insert the proper tradename "KOVAR®" to describe the originally disclosed 54% Fe - 29% Ni - 17% Co alloy. Applicants submit that the terms "cobal" and "cobar" were inadvertent, but obvious translation errors and that one of ordinary skill in the alloy art would have clearly understood that the disclosed 54% Fe - 29% Ni - 17% Co alloy in the specification is in fact KOVAR® and not the terms "cobal" and "cobar". Attached hereto is a chemical dictionary definition, a copy of U.S. Pat. No. 5,260,575, and a commercial product specification for KOVAR® which supports Applicants position. Each reference clearly supports the position that the disclosed 54% Fe - 29% Ni - 17% Co alloy in the specification is well known in the alloy art as KOVAR®. Accordingly, Applicants submit that the present Amendment does not generate any new matter issue and entry of the present Amendment is respectfully requested.

Claims 1, 5, 6, and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tower et al. (U.S. Pat. No. 6,020,628, hereinafter "Tower") in view of Roy et al. (U.S. Pat. No.

3,974,249, hereinafter "Roy") and Grossinger et al. (U.S. Pat. No. 5,712,622, hereinafter "Grossinger"). Claims 1, 5, 6 and 9 have been canceled and, therefore, the rejection is moot. Moreover, new claims 13-44 are free from the applied art for the reasons set forth *infra*.

Claims 3-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tower in view of Roy and Grossinger, and further in view of Carnall, Jr. et al. (U.S. Pat. No. 3,131,238, hereinafter "Carnall"). Claims 3-4 have been canceled and, therefore, the rejection is moot. Moreover, new claims 13-44 are free from the applied art for the reasons set forth *infra*.

Claims 2 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tower in view of Roy and Grossinger, and further in view of Scherber et al. (U.S. Pat. No. 4,708,419, hereinafter "Scherber"). Claims 2 and 10 have been canceled and, therefore, the rejection is moot. Moreover, new claims 13-44 are free from the applied art for the reasons set forth *infra*.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tower in view of Roy and Grossinger and Scherber, and further in view of Silvestrini et al. (U.S. Pat. No. 4,323,619, hereinafter "Silvestrini"). Claim 11 has been canceled and, therefore, the rejection is moot. Moreover, new claims 13-44 are free from the applied art for the reasons set forth *infra*.

Claims 1, 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Castleman (U.S. Pat. No. 6,153,881) in view of Grossinger. Claims 1, 7 and 8 have been canceled and, therefore, the rejection is moot. Moreover, new claims 13-44 are free from the applied art for the reasons set forth *infra*.

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Castleman in view of Grossinger and further in view of Adachi et al. (U.S. Pat. No. 4,302,674, hereinafter "Adachi"). Claim 11 has been canceled and, therefore, the rejection is moot. Moreover, new claims 13-44 are free from the applied art for the reasons set forth *infra*.

Independent claim 13 describes a ceramic infrared sensor, having a lens body, comprising ceramic, a supporting part, which supports the lens body, and a detection part, which detects the light that has been transmitted through the lens body. A pigment that shields visible light is contained in the lens body and the pigment in the lens body is in a range of 0.001 to 1 mass %.

Independent claim 14 describes a ceramic infrared sensor, having a lens body, which is comprised of a ceramic part and a resin layer that covers at least the light receiving surface of the ceramic part, a supporting part, which supports the lens body, and a detection part, which detects the light that has been transmitted through the lens body. A pigment that shields visible light is contained in the ceramic part and/or resin layer of the lens body and the pigment in the lens body is in a range of 0.05 to 2 mass %.

Independent claims 13 and 14 recite the amount of pigment in the lens body. Claim 13 recites that the amount is in a range of 0.001 to 1 mass % and claim 14 recites that the amount is in a range of 0.05 to 2 mass % . The Examiner asserted that Grossinger et al. (U.S. Pat. 5,712,622) suggest incorporating a pigment in the optical elements in the detector. However, Applicants submit that Grossinger et al. disclose a pigment in an amount of 10% at col. 2, lines 1-9. In contrast, the claims 13 and 14 limit the pigment amount to a range of 0.001 to 1 mass % and 0.05 to 2 mass %, respectively. Applicants submit that none of the applied references alone or in combination, disclose or remotely suggest the recited pigment amounts in claims 13 and 14. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge readily available to one of ordinary skill in the art. *In re Kotzab*, 217 F.3d 1365, 1370 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). There must be a teaching or suggestion within the prior art, within the nature of the

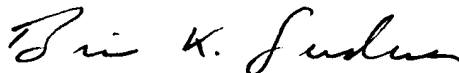
problem to be solved, or within the general knowledge of a person of ordinary skill in the field of the invention, to look to particular sources, to select particular elements, and to combine them as combined by the inventor. *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 665, 57 USPQ2d 1161, 1167 (Fed. Cir. 2000); *ATD Corp*, 159 F.3d at 546, 48 USPQ2d at 1329; *Heidelberger Druckmaschinen AG v. Hantscho Commercial Prods., Inc.*, 21 F.3d 1068, 1072, 30 USPQ2d 1377, 1379 (Fed. Cir. 1994). Accordingly, for the reasons set forth above, Applicants submit that the rejections under 35 U.S.C. § 103(a) are not legally viable and should be withdrawn.

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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